Communication from Public

Name:	Leo J Mellace
Date Submitted:	09/25/2024 08:53 PM
Council File No:	24-0290
Comments for Public Posting:	Upload 2 of 2

To: **PLUM Committee of City Council**
RE: **CF 24-0290**
From: **Leo Mellace, Sound Factory**
6350 Selma Avenue, Hollywood

APPEAL SUMMARY

"Appeal of Advisory Agency Approval of Vesting Tentative Tract Map, Haul Route, and Related Case Entitlements and FEIR Tract Map "
VTT 82764. Appeal filed Feb 14, 2024:
Concurrent Case: ZA-2019-5590-ZV-TOC-SPR
CEQA: ENV-2019-5591-EIR (SCH No. 2020110295)

This appeal was filed for a simple reason, and its solvable: Please solve it.

You are hearing this appeal for a simple reason: Our business-- Sound Factory—is a legacy sound recording business in central Hollywood, where Michael Jackson and so many greats recorded and still do. Hundreds of jobs and our continued existence are threatened by over 2 years of construction activity from this proposed Artisan Ventures high rise project directly across the street. The problems created here are solvable.

Not a "project" opposition- we are looking to correct unnecessary damage to our legacy sound recording business: We did not "oppose" the project itself. We were clear in our first appeal. But we were actually dared by the City Planning Commission to appeal the whole Project. Their vote to send this Case on to PLUM without fixing it was hasty. It was cynical and costly; it signals that they had not grasped that the effects of the construction noise and vibration are real.

- Haul Route error: One glaring error was City Planning's requirement for a Haul Route on Selma---sending 11,555 trucks hauling excavated dirt right past our recording studios for 10 weeks or more.
- Error in FEIR that damage is unavoidable City Planning's position that significant adverse effects are unavoidable is unsubstantiated. Contractors and construction acoustics experts know that problems of noise from jackhammers, generators, concrete mixers, impact tools, clanging steel, bad mufflers, etc can be avoided or reduced. There is no compelling reason or overriding consideration to keep pushing a project forward without recognizing and avoiding the damage. The omissions and inappropriate thresholds are non-compliant with CEQA. See Exhibit 1 , 2, and Letter dated 2024-09-25 from acoustic experts RNS.

Ongoing efforts from Council Office, Developer, and us to correct the problems in this Case: Fortunately the CD 13 Council Office stepped in at that Planning Commission hearing and mediated –enabling the private parties to meet and work together to solve the very real problems created by this construction.

- Reason for PLUM delay: The developer and Sound Factory have had to delay this PLUM hearing multiple times, because the amount of technical detail of working through construction schedules, construction equipment types, and the reality of recording studio sound isolation takes time and expertise to solve..
- Progress: Both the Developer and Sound Factory have made progress in bringing the genuine problems and solutions to the table.
- City has resolved this before: When Emerson College and Technicolor built new structures on Sunset Boulevard, the City Planning process ensured that the recording at the neighboring East West Studios was not disrupted. Those projects worked out fine. In those cases Planning -imposed 12 noon Hard Stop on construction. We need that only for a limited time, or another solution.
- Experts do resolve this: Sound recording studios—like theaters—are "sensitive receptors". The buildings and the uses are affected by noise and vibration. Experts know how to solve it.

Recommendation: If you have to vote to continue this hearing to allow this to be corrected – please do..

We recommend that you vote as follows: to avoid having to recirculate a flawed EIR, agree to move the Haul Route off Selma; agree to add specific Project Design Features that factually prevent or correct adverse effects on our building and operations from noise and vibration; agree to Project Conditions which prevent future added construction on lots which were averaged into this request: and agree to not send this Case to full Council until that work is done.

MORE DETAILED DISCUSSION:

What was approved: Planning Commission action was as follows: Approve Vesting Tentative Tract No. VTT-82764 (stamped map, dated September 19, 2019) for the merger and re-subdivision of 1.55-acre (67,581 square-foot) site into one ground lot and for commercial condominium purposes; and a Haul Route for the export of up to 69,333 cubic yards of soil.

Remove 1 item from appeal we filed:

- Not an historic building: We agree and In this appeal we are removing the reference to Sound Factory as an historic building. Apparently there was an address error somewhere in some database.

We find FEIR fails to adequately respond to expert noise and vibration data:

- We have attached Exhibits 1 and 2 and submit Letter from RNS Acoustics responding point-for-point to the FEIR's response to RNS Acoustics' letter dated Nove 7, 2023 we submitted for the DEIR.
- One main purpose of CEQA is to bring local specific knowledge and specific expertise to an issue. We got the expertise and they applied that knowledge to our specific location. In response, the FEIR agreed only 2 points were valid. Of 9 recommendations for important mitigations one PDF was added. For some of the most critical errors and

omissions in the DEIR the staff response was ""Noted for the record—forward to the decisionmakers. "

- We invite you, the decisionmakers, to go through our expert's comments and the FEIR point by point before you cast a vote. This is summarized in the attached Exhibit 1
- A focused EIR should be re-circulated, or at the very least errata issued correcting the items in our Exhibit 1 attached here and adding Conditions or Project Design Features.. Sound Factory was omitted entirely from any EIR analysis or mitigations of vibration, and was included in noise analysis in the EIR erroneously as "for informational purposes."

VTT Appeal: We find fails to inform about inconsistencies with current zoning:

- LAMC Sec 17.15 requires each Vesting Tentative Tract Map itself to reveal the inconsistencies of the proposed project with current Zoning. The VTT fails to include this, thus denying the decisionmakers and the public their ability to assess how large the zoning requests are.
  - This VTT merges together multiple former individual lots into one new lot.
    - Incentives increasing project density for housing are drawn from all 66,000 sf of the former lots. But the actual project is concentrated on half the site- across from Sound Factory. See further discussion below.
    - The Land Use section of the DEIR and the discretionary ZA approval has passing mention of creating commercial condominiums—maybe effectively dividing those this new single lot back off into separate ownerships.
    - That is not our concern. but the lack of transparency and proper procedure means the project description is inadequate or Project Conditions are missing- as noted below.
- A VTT does not and cannot confer entitlements**.** The entitlements are a part of this appeal. But the Map must properly revealed the inconsistencies between the current zoning on the individual parcels and the proposed project. That was omitted.
  - Missing calculations: The TOC program is reported in the Land Use section of the DEIR to have been used to justify a request for a 50% increase in FAR and a 50% increase in residential density. The DEIR includes no substantiation—no quantitative data showing how the increases are achieved. Code sections cited did not support statements.
  - Project Conditions fail to restrict future development of the other existing "lots" which are not being built on, although their "entitlements" were transferred off..
    - A specific action that removes "D" Limitations with Findings is missing from this case: The Permanent D limitations are acknowledged to be in effect in the Land Use text of the DEIR. They are integral limitations on each of the individual land parcels involved—as assigned in Ord 165660 adopted for environmental protection.

SUPPORTING DISCUSSION

Concentration of noise and vibration is closest to Sound Factory: Although the developer has a large site spanning from Cahuenga to Ivar and taking half the block between Selma to Sunset, the construction noise, vibration, and future noise is highly concentrated right

across from Sound Factory: a 22 story high rise on top of a 3 story podium parking garage and a 4 story underground garage.

- Development intensity is doubled at least—if not more-- exceeding what is allowed opposite Sound Factory, with no formal density averaging or transfer of development rights revealed to the public.
- The mechanism of merging all the lots together, removing or exceeding D limitations, and locating twice the allowed density over on the half across from Sound Factory is unclear and is required to be clear. This is important because of the noise and vibration effects concentrated by the double-size project directly across from Sound Factory, emptying 2 years of noise and vibration that disturbs sound recording.

Further issues related to entitlements should be clarified

- Land Use CEQA Chapters and Appendices cherry-pick deceptively: The Hollywood and Vine area is the Sound Capitol of the World—from radio, recording, entertainment, and TV production. Recording studios have managed to survive. The CEQA Land Use analysis noticeably omits the central fact. Our City's stated policies are to support the industry and its businesses.
- The Redevelopment Plan also focused on retention of Hollywood's industry-related businesses and is still in force, yet in scores of pages ostensibly on Land Use we see endless "goals" being stated, but this real one omitted. For this "south of Selma" area the Redevelopment Plan Sunset Plan has a 75' height limit which went unmentioned in approving a 264' structure. Our letter appealing the ZA Determination addressed redevelopment issues, and we include that here by reference.
- The Applicant points out new directives from the State to approve projects which provide housing. But this project is more than that. By choosing to get discretionary actions and choosing to consolidate doubled transferred entitlements over on to a very small site, with commercial uses, this is no longer an "automatic" housing project.
- Findings for Site Plan Review are unsubstantiated.

Sound Factory reserves the right to clarify each of these points and includes in these comments by reference all prior communications from us and all comments from others.

EXHIBIT 1

FEIR RESPONSES

Summary:

1. CEQA Vibration Analyses and Mitigations for Sound Factory Omitted: DEIR omitted required analysis and Mitigation Measures or Project Design Features for all vibration effects at Sound Factory: for all 3 customary analyses for structural damage, human annoyance, and sensitive equipment (recording studio). NOI-MM2 was not applied to Sound Factory. NOI MM2 used improper thresholds. Note that vibration effects on on-site URM buildings were also not evaluated.
2. CEQA Analyses and Mitigations Omitted for Streets: DEIR omitted needed analysis and needed Mitigation Measures for truck and construction activities on streets
3. Mitigation Measure Inadequate –NOI-MM1 requires a construction site sound barrier—without prescribing height; without dealing with noise from above barrier during high rise construction; without recognizing that major hauling truck traffic makes noise outside that barrier; without limiting openings toward Sound Factory; without specifying the frequencies at which the barrier must be effective; etc.
4. Conclusions Invalid due to Invalid Calculation: By using a metric averaging sound over an hour instead of capturing the real effect of construction noise on recording equipment conclusions are invalid.
5. **See also attached letter from RNS Acoustics**

Com-ment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?
5.1	**Acoustic experts (RNS Acoustics)** specializing in construction impacts concluded construction will make operation of recording studio business impossible	See DEIR and comment answers 5-2 through 5-25	**Refers to subsequent comments**
	Precedent for feasible mitigation measures imposed by City was for Emerson College construction project affecting East West Studios on Sunset Blvd	Fails to respond	**Fails to respond**
	Construction worker parking	Fails to respond	**Fails to respond**
5.2	**EXECUTIVE SUMMARY of RNS Report-s**hows intrusive noise and vibration detrimental effects missed by DEIR		**Refers to subsequent comments**
	DEIR concludes "significant and unavoidable impacts to Sound Factory" with proposed Mitigation Measures and Project Design Features	"Noted for the record – forward to decisionmakers"	**Fails to respond-- Not compliant with CEQA**: City may approve the project only upon finding that it has "eliminated or substantially lessened all significant effects on the environment where feasible" NB- multiple following items cite commonly used mitigations as "infeasible" – which is erroneous
5.3	**Sound Factory has critical working hours** 8:00 am – 12:00 pm 7 days a week; specialized recording studios are engineered sound isolated construction	Response omitted	**Fails to respond-** Fails to analyze critical issue Response in Comment 5-5 **Fails to Respond**: Fails to clarify how the overlap of construction with Sound Factory hours effects recording

5.4	**DEIR Definition of Noise Sensitive Receptors omits Sound Factory** by improperly citing Sound Factory included "for informational purposes"- (ERROR is in LA CEQA Threshold Guide which omits noise sensitive equipment as a defining feature of noise sensitive receptors)	DEIR did analyze Sound Factory anyway	**Fails to Respond**- Fails to acknowledge that LA CEQA Threshold Guide is substandard., **Fails to Respond** (See 5.12) fails to acknowledge omission of Sound Factory as vibration-sensitive receptor
5.5	**Construction duration and schedule showing disruptive noise times is missing:** schedule is missing which provides when there will be disruptive noise	See IV G-11 Demolition – 1 MO Grading – 7 MOS Building-15 MOS Paving- 2 MOS	**Fails to respond-** provides construction stages schedule but fails to distinguish what and when there is noise disruption
		DEIR models noise with "close" equipment but actual equipment will be farther	**False statement-** Nothing in project Conditions assures that equipment and especially trucks, will not be "close" to Sound Factory
5.6	**Estimated Exterior Noise Levels from Construction** RNS summarizes noise levels from on site construction equipment—shows that for sound originating within the construction site, the sound barrier required by NOI MM1 will FAIL to reduce construction equipment-generated noise by 10 dBA exceedance.	"Noted for the record – forward to decisionmakers"	**Fails to respond**: This central comment stating that the sound barrier will NOT be effective for reducing construction site equipment-generated noise is simply sent to decision-makers
5.7	**DEIR Sound Level Analysis Using A-weighted Hourly Equivalent is wrong—** understates actual impact at a specifically noise-sensitive business. Averaging over an hour misses instantaneous louder noise sources	Sound analysis matches LA CEQA Thresholds Guide	**False statement;** RNA provided expert additional data and analysis for this specific site and use; this cannot be dismissed based on LA's CEQA Thresholds Guide
	Averaging over an hour also misses low frequency sounds from construction equipment and sound barrier may fail to block that low frequency sound	A- weighted level did include low frequency sound	**No substantiation** provided in FEIR.
	DEIR calculations are based on a construction site logistics plan that is not available to public and not produced in FEIR	Construction equipment will be further away and have fewer pieces of equipment	**No substantiation** provided in FEIR
5.8	**Sound barrier design under NOI MM1 fails to deal with sound not attenuated by sound barrier**—Not affected are: sound above barrier (above the 1st floor of a 24 story building); sound escaping with gates opening on to Selma in barrier; sound sources farther away on the site; low frequency sound not captured by design of sound barrier.	FEIR agrees with this criticism	**Fails to resolve:** States Plan Checker is required to "verify". Plan Checker cannot resolve noise generated by equipment above the sound barrier; has no guidance on prohibiting gates to the north in the sound barrier, etc Plan checker will need detailed guidance. The acoustic barrier is only expected to attenuate air-borne sound from sources behind the barrier, such that no line-of-sight is possible between the noise sources the receiver. Vibration and ground-borne energy is not expected to be attenuated by the acoustic barrier and

			will require other analysis and mitigation.
	Barrier attenuating 15 dBA may NOT be attenuating it at low frequency. RNS showed below 100 hz Sound Factory sound isolation reduced only 20-38 dB		**Fails to respond**: Reviewer failed to address critical issue. The barrier's overall dBA level attenuation and attenuation per octave band center frequency should be verified by a certified acoustician. The low frequency attenuation (250 Hz and below) should maintain the 15 dBA overall reduction. If a barrier can achieve 15 dBA of overall attenuation, it's possible that most of the attenuated energy is in the mid to high frequencies and very little energy is controlled at low frequencies, where sound transmission into the studios is a concern. Acoustician specifications for barrier design and performance must address this specifically based on testing data of low frequency energy so that it is controlled at the Sound Factory receptor to achieve needed relief from disturbance at all frequencies.
5.9	**Exterior to interior Sound Attenuation Measured by RNS, proves construction will be a problem:** Interior studio level found by RNS to be 17 dBA, meaning sound isolation at building can achieve 47 dB attenuation at some frequencies based on the ambient level of 64 found by RNS at that time. RNS found only 20-38 dB attenuation at others. Sudden noise was significantly noisier and less attenuated.; Conclusion- ANY higher noise than ambient (DEIR used 59 dBA) will be problemmatic,, as sound barrier will not be reducing construction noise to that. Sudden noise will be more problematic and less attenuated	FEIR argues attenuation is sufficient	**False response**: Reviewer misses that RNS was pointing out that sudden noise did disrupt recording AND that sound isolation/wall attenuation is reduced at some frequencies. This is factual data. RNS took readings in 1 interior studio. A complete analysis considering all 4 studios may find even greater need for sound and vibration reduction. Current Sound Factory sound isolated construction will not reduce noise outside which is above ambient level—which includes expected truck hauling and delivery noise. See Exhibit 2 Sound barrier at construction site only reduces noise reaching Sound Factory to 10 dBA above ambient, and thus will be "heard" by sound recording equipment and be a problem. Response math incorrect: states attenuation was 52 dB for a specific noise event but correct amount is best case 47.7, Lower attenuation of 20-38

			dB is expected at certain frequencies and lower attenuation of expected sudden noise..
5.10	**Construction Traffic Noise/Haul Route :** City requires hauling trucks to use Selma Ave past Sound Factory from 9:00 am – 3;00 pm	"Noted for the record – forward to decisionmakers"	**Fails to respond**
	Frequency of grading/excavation trucks- 57 days or 10 weeks (6 day week) for 2 ½ mos at 1 truck every 2 mins (Appendix 1, Page 86 shows 200 daily trips 69,333 yards) 12 yds per export trip= 5,777 trips X 2 + 11,555 trips div by 200 per day is 57 days at 34 truck trips per hour	"Noted for the record – forward to decisionmakers"	**Fails to respond**: City requires use of Selma for hauling. DEIR and FEIR fail to evaluate noise from truck traffic **See Exhibit 2**
	Frequency of concrete trucks for mat foundation-670 trucks is 2 days @ 335 trucks ; 16 hr day means 21 trucks per hour	"Noted for the record – forward to decisionmakers"	
5.11	**Quantity of truck traffic noise undercounted** Hauling trucks in Noise Analysis reduces amount by half from Transportation Analysis	Noise analysis did indeed only count one way	**Fail to admit error and correct analysis:** UNDERCOUNTS noise from hauling trucks by 50% Math error from attenuation repeated from Response 5.8
	Truck low frequency noise issue missing from DEIR because uncaptured by improper A- weighted hourly analysis for a recording studio.	Trucks along Selma at 68 dBA	**False response:** FHWA and CalTrans guides indicate much higher truck noise levels. Use 88 dBA per attached anlysis. **Fails to respond:** By using hourly analysis EIR reduces noise levels— Low frequency sound missing from DEIR, not analyzed or dealt with also in FEIR. **See Exhibit 2**
5.12	**Ground- borne Vibration Analysis completely missing for Sound Factory** Human Annoyance Threshold and Structural Damage Threshold used in DEIR do NOT capture vibration threshold for Sensitive Equipment- the 3rd "normal" factor. RNS also cites specific construction equipment which will exceed noise levels used in DEIR	"No feasible mitigation measures could be implemented to reduce temporary impacts"	**Critical Omission:** DEIR failed to address/analyze vibration effect on sensitive equipment- the 3rd effect always analyzed per "Transportation and Construction Vibration Guidelines Manual of 2020 by Caltrans. **False response:** Impacts are NOT temporary and feasible methods exist to identify, monitor, and end impacts
5.13	**Trucks passing Sound Factory to exceed above-threshold level** DEIR shows 72 vDB at 25', above 65 dBA threshold	FEIR agrees with 72 vDB, but fails to then	**Failure to respond:** Failure to state adverse effect and add Mitigation Measure
	Other equipment etc also exceeds such as hoe rams, vibratory rollers,	No hoe rams or vibratory rollers to be used	**No substantiation:** No Project Condition prevents use of these or similar equipment. Also these were examples, not an exhaustive list
	Street bumps and bad paving can increase truck vibration effects	Google Earth shows good paving	**False response:** Google photos do not show condition of street at time

			of Artisan construction nor the roughness after 11,000 truck trips. **No substantiation:** No project Condition requires pavement maintenance
	No impact piles anticipated	Commenter misread this comment	**No Issue:** RNS correctly cited that impact piles are prohibited. As long as that prohibition remain, no issue.
5.14	**Vibration Monitoring- NOI MM2-** Sound Factory was NOT required by EIR to be monitored for structural damage. A recently-built building to the west must be monitored, and if not damaged vibration threshold may be increased.	DEIR only monitors building "immediately adjacent" to Artisan site	**False response:** Construction type is central in determining what buildings should be monitored for vibration impacts, and DEIR and FEIR fail on this. Sound Factory building is equidistant to parts of construction site as building being monitored. . See Comment 5-23
5.15	**Amplified sound systems at Amenity Decks will be a major problem** if allowed on outdoor decks: can exceed allowed levels for short times, or special events. Amenity Deck projected at 75 dBA at Level 4 and 80 dBA at level 25—and thus 42.8 dBA at Sound Factory.	PDF requires quailified noise consultant sign-off	**Failure to repond:** Answer repeats statements in DEIR, without addressing 3 aspects of how a qualified noise consultant can carry out their responsibility: how volume will be limited in actual use; how extra plug-in speakers etc will be prohibited; and how the damaging effect of using the dBA L eq measurement averaged over 1 hour will be corrected, as it misses sudden or even continuing louder noise. As well the response misses the damage of low end in amplified music and the fact that attenuation and testing has not been done through building roofs. **In addition, the renderings approved by City Planning now show giant openable 2nd floor window walls directly across from Sound Factory.**
5.16	**Amplified sound systems at ground Floor Restaurants will be a major problem**	Project does not include amplified sound at ground level LAMC 112.01 cited- allows +5 dBA increase	**Failure to respond/ not substantiated:** If project does not "anticipate" amplified sound, then there would be a Condition stating that it won't have amplified sound. . A 5 dBA increase of ambient noise level at Sound Factory is a disturbance for this sensitive receptor and its equipment. .
5.17	**Recommend Mitigation- Monitoring of Noise and Vibration Levels:** Microphone monitors and accelerometers would be operated by third party experts throughout the construction; automated threshold set with warning and stop levels	All feasible mitigations are already in EIR. Including one NOI MM1 .- sound barrier	**False response:** Noise monitoring is eminently feasible and is a customary mandatory mitigation. – unless City Planning employs a clairvoyant **False response: "**it does not appear that existing interior sound levels at the Sound Factory would be

		Responder concludes monitoring "is not warranted" responder appears ignorant that monitoring is needed to identify noise sources accurately and for automating warnings Responder fails to acknowledge effects of vibration beyond structural damage	significantly affected" is patently untrue- Sound barrier fails to block sound generated above the first floor; sound barrier has entrance required on north; sound barrier has zero effect on truck and equipment noise on Selma. See other responses. **False response;** Extensive additional sound control and construction hours limitations are feasible have been implemented commonly **False response**: CalTrans and FHTA all recognize that vibration damage is NOT limited to structural damage, but are required to assess Human Annoyance and effects on Sensitive Equipment
5.18	**Recommend Mitigation: Limited Hours of Construction**	City respondent says NO- recites City construction hours	**Omission:** Responder fails to note Haul Route hours **Denial:** Other projects have construction hours limited to reduce significant adverse effects on sensitive receptors, and specifically on recording studios. Even City Planning now is including recording studios in its CEQA guidelines for noise
5.19	**Recommend Mitigation: Sound Barrier for Upper Floor Construction:** RNS recommends temporary sound barriers for construction equipment higher than sound barrier (undefined height)	City respondent says NO- recites damaging noise only in excavation and garage months; upper floor construction uses small tolls and happens indoors	**Denial/unsubstantiated:** Equipment places higher than sound barrier (such as jackhammers, drills, concrete corers, concrete pumping, stucco mixers, hoses) were not analyzed; may exceed noise levels; are not reduced by the sound barrier; and thresholds require testing through roof- which has not been done.
5.20	**Recommend Noise Committee** to meet directly with affected parties	City respondent says NO- Plan Checker checks plans and beyond that City does enforcement	**False Response:** Without an effective monitoring system and a method of notification of building Owner and Developer and without a requirement for immediate action, any perpetrator can deny having caused noise and vibration . City has record of no enforcement.
5.21	**Recommend Mitigation; Modify the Haul Route; Penalize Construction trucks on Selma etc**	City response- routes selected to avoid residential areas . Routes approved by DOT and the Bureau of Street Services	**False response:** Haul Route required by City Planning not only directs trucks past an extremely sensitive receptor—Sound Factory—but the route is lined with mostly residential uses- apartment building after apartment building after apartment

			building. A route south on Ivar to Sunset is highly preferable and environmentally superior.
5.22	**Recommend Mitigation- Noise Control for On-Site Equipment :** recommend all generators, compressors, jackhammers and other noisy equipment be located as far away from Sound Factory as possible, and when stationary should have temporary noise barriers	PDF 5 has been added	**Concluded;** PDF 5 has been added in Revisions, Clarifications, and Corrections in FEIR Note- repeated references to noise reduction at Sound Factory due to sound barrier are only if value up to the 1st floor.
5.23	**Recommend Change Mitigation- do not allow Vibration Threshold increase**	Mitigation is for another building, but that same number and kind of equipment affecting Sound Factory will have no effect.	**Omission:** Sound Factory was not included in this Mitigation Measure. The structural value in the equation in wrong. **False response/no substantiation:** Increasing a vibration thresholds when no damage is "seen" at a different building fails to acknowledge the structural differences of the buildings; the effect of repetitive vibration in causing damage; and the effect of vibration on sound recording
5.24	**Recommend appropriate Mitigation or Project Design Feature:** Prohibit outdoor amplified noise levels from ground floor retail/restaurant and from Amenity Decks at Level 4 and 25	Response only repeats DEIR information	**False response:** See response 5.15

EXHIBIT 2
Trucks on Selma

The following analysis shows how quickly sound levels increase with truck proximity to the Sound Factory and further demonstrates that the EIR and City have underestimated the impact of Project construction trucks on Sound Factory operations.

The standard sound attenuation formula is shown in Footnote 2 of the AES Memorandum dated December 1, 2023 attached as Exhibit A to the Rand Paster Nelson letter, as follows:

*Truck noise level at 33 feet = 76 dBA – 20*log(33/50) = 79.6 dBA (Lmax).*

This calculation is based on the Sound Factory being located 33 feet from the centerline of Selma and assumes project haul trucks will have a sound level of 76 dBA at 50 feet. The exterior noise level of 79.6 dBA calculated by AES for trucks at 33 feet from the Sound Factory would result in an interior Sound Factory noise level of 27.3 dBA assuming a Sound Factory building noise reduction rate of 52.3 (79.6 – 52.3 = 27.3), which exceeds the threshold for an interior noise impact. The AES Memorandum thus demonstrates that project noise impacts on Sound Factory interior noise levels would be significant from trucks using the northern lane on Selma Avenue to access the Project site. However, AES underestimates project noise impacts on the Sound Factory because trucks using the northern lane of Selma Avenue would be closer than 33 feet from the Sound Factory.

The following calculations have been made using the same standard noise attenuation formula and verified using a Sound Attenuation calculator which utilizes this standard formula, which is available at:
https://www.wkcgroup.com/tools-room/inverse-square-law-sound-calculator/
(All links are incorporated herein by reference.)

The roadway lanes on Selma Avenue are approximately 12 feet wide. The truck noise level for a truck traveling in middle of the northern lane of Selma Avenue (i.e. noise generation at 27 feet from the Sound Factory), based on a truck noise level of 76 dBA (Lmax) at 50 feet is 81.4 dBA, calculated as follows:

*Truck noise level at 27 feet = 76 dBA – 20*log(27/50) = 81.4 dBA (Lmax).*

However, according to Federal Highway Administration ("FHWA"), on-road truck noise levels are typically higher than 76 dBA and varies by speed and roadway type but generally has an Lmax (dBA) in the range of 76.1 to 87.4 for trucks traveling at 59 mph or above, as shown on the following tables from:
https://www.fhwa.dot.gov/ENVIRonment/noise/regulations_and_guidance/qpppadotpic3data.cfm

<table>
<tr><th>Medium Truck</th><th>Heavy Truck</th></tr>
<tr><td>RS1 random transverse, medium truck
<table><tr><th>Lmax (dBA)</th><th>speed (mph)</th></tr><tr><td>84</td><td>69</td></tr></table></td><td>RS1 random transverse, heavy trucks
<table><tr><th>Lmax (dBA)</th><th>speed (mph)</th></tr><tr><td>86.7</td><td>60</td></tr><tr><td>87.4</td><td>60</td></tr><tr><td>86.9</td><td>67</td></tr></table></td></tr>
<tr><td>RS2 uniform longitudinal, medium truck
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<table><tr><th>Lmax (dBA)</th><th>speed (mph)</th></tr><tr><td>82.0</td><td>59</td></tr><tr><td>82.7</td><td>59</td></tr><tr><td>76.1</td><td>68</td></tr></table></td></tr>
<tr><td>RS3 uniform transverse, medium truck
<table><tr><th>Lmax (dBA)</th><th>speed (mph)</th></tr><tr><td>81</td><td>70</td></tr></table></td><td></td></tr>
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In fact, trucks were found to have a total truck noise level of 88 dBA at speeds of less than 35 mph at 50 feet**,** as noted by W.H. Close and J.E. Wesler, Office of Noise Abatement, U.S. Department of Transportation in an article entitled *Vehicle Noise Sources and Noise-Suppression Potential*. According to that Transportation Research Board ("TRB") article:

> A study was made of the noise sources of a heavy-duty diesel tractor trailer. By making measurements at 50 ft (15 m) to the side of the vehicle, it was found that (1) truck engine noise produced by the rapid pressure rise in the combustion chambers of such engines is radiated by the vibrations of the engine block and attached fixture, with a sound level of 78 dBA being attributed to the engine and mechanical combustion noise sources; (2) exhaust noise is engine noise radiated from the exhaust pipe outlet and vibration noise of the pipes and mufflers, and **a level of 85 dBA represents typical exhaust noise**; (3) engine air intake or induction noise at a relatively low level of 75 dBA is created by the pulsating column of air moving into the engine and, in many cases, includes noise of mechanically driven or exhaust turbine-driven superchargers; (4) the engine cooling fan moves large quantities of air through the radiator with a very restricted downstream flow condition and generates high noise levels (82 dBA); and (5) truck tires generate a noise level of 75 dBA at a speed of 35 mph (56 km/h) or less and 95 dBA at highway speeds. **Adding all sources gives a total truck noise level of 88 dBA at speeds less than 35 mph** (56 km/h). https://trid.trb.org/view/40119#:~:text=Adding%20all%20sources%20gives%20a,of%20various%20states%20and%20localities

Applying the sound attenuation formula to this noise level, results in a noise level of 91.6 dBA at 33 feet. *Truck noise level at 33 feet = 88 dBA – 20*log(33/50) = 91.6 dBA (Lmax).*

Thus, trucks passing the Sound Factory would have a noise level of 91.6 dBA at the centerline of Selma.

Truck exhaust noise from the tail pipe of an approximately 8.5-foot-wide truck turning from the northern lane of Selma Avenue left into the Project site, across from the Sound Factory, would be 92.1 dBA at approximately 22 feet from the Sound Factory, calculated as:

*Truck noise level at 22 feet = 85 dBA – 20*log(21/50) = 92.1 dBA (Lmax).*

Total trucks noise from a truck in the middle of the northern lane of Selma would be 93.4 dBA, calculated as follows:

*Truck noise level at 27 feet = 88 dBA – 20*log(27/50) = 93.4 dBA (Lmax).*

This level of sound production would clearly exceed the 25 dBA interior noise standard/threshold for a studio being utilized by the City for the EIR analysis.

Estimated Sound Factory Interior Noise Levels From Project Truck Trips Events			
Location	**A** **Noise Level**	**B** **Sound Factory Noise Attenuation /1/**	**C** **Resulting Interior Noise Per Truck Noise Event (A-B)**
76 dBA Truck 27 feet from Sound Factory, in middle north lane of Selma Avenue	81.4 dBA Lmax	52.3 dBA	29.1 dBA
88 dBA Truck 27 feet from Sound Factory, in middle north lane of Selma Avenue	93.4 dBA Lmax	52.3 dBA	41.1 dBA
/1/ Assumes the Sound Factory building noise reduction rate from RNS Acoustics letter. Assuming a building noise reduction of 52.3 dBA for the Sound Factory means that any truck noise above 77.3 dBA at the Sound Factory would exceed the interior noise threshold.			

It is important to note that this analysis addresses only the impacts of project truck traffic noise on the Sound Factory. Given the projected frequency of truck trips, between 20 and 670 trucks per day depending on the construction phase according to the EIR, this clearly has the potential to harm the Sound Factory and its ongoing recording studio work which has been a key part of Hollywood's recording studio history for more than 50 years.

The City, EIR consultant and project applicant's attorneys continue to downplay the very real and significant and unmitigated impacts of Project construction truck noise on Sound Factory operations. Interior noise impacts would clearly be significant.